8380254/2024/SEC-IV-EFS01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – A.P. Forest Department - Formation of road in Lingamparthy Reserve Forest in Compt. No.587 from Konda Timmapuram to China Vanthada in Yeleswaram Mandal – Illegal transportation of Laterite – Violation of Forest Conservation Act, 1980 & A.P. Forest Act, 1967 – Common disciplinary proceedings initiated – Inquiry under Rule-20 of A.P. Civil Services (CC&A) Rules, 1991 against **Sri M. Srinivas, the then Assistant Geologist & Assistant Director of Mines & Geology (FAC), Rajamahendravaram** – Articles of Charges – Issued.

ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY (Sec.IV) DEPARTMENT

G.O.Rt.No.7 **Dated:03.01.2024.**

Read the following:

1)From the Director General, Vigilance &Enforcement Department, Vigilance Report No.55 (C.No.1678/V&E/NR-1/2016), dated 21.12.2018.
2)Memo.No.119/Sec.IV/A1/2019, EFS&T (Sec.IV) Department, dated 29.12.2023.

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ORDER:

It is proposed to hold an inquiry against Sri M. Srinivas, the then Assistant Geologist & Assistant Director of Mines & Geology (FAC), Rajamahendravaram in accordance with the procedure laid down in Rule- 20 of the A.P. Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of article of charges (Annexure-II).A list of documents by which, and a list of witnesses by whom, the articles of charges are proposed to be sustained are also enclosed (Annexure-III and IV).

3. Sri M. Srinivas, the then Assistant Geologist & Assistant Director of Mines & Geology (FAC), Rajamahendravaram, is informed that he is directed to submit a written statement of his defense within (10) days from the date of receipt of this order.

4. Sri M. Srinivas, the then Assistant Geologist & Assistant Director of Mines & Geology (FAC), Rajamahendravaram, is informed that the inquiry will be held only in respect of those Articles of Charges as are not admitted. He should, therefore, specifically admit or deny each Article of Charge.

5. Sri M.Srinivas, the then Assistant Geologist & Assistant Director of Mines & Geology (FAC), Rajamahendravaram, is further informed that if he does not submit his written statement of defense within the time specified in Para-3 above, further action will be taken based on the material available.

6. Sri M. Srinivas, the then Assistant Geologist & Assistant Director of Mines & Geology (FAC), Rajamahendravaram, is informed that under Rule-24 of the A.P. Civil Services (Conduct) Rules, 1964, no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Sri M. Srinivas, the then Assistant

P.T.O.

Geologist & Assistant Director of Mines & Geology (FAC), Rajamahendravaram is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-24 of the A.P. Civil Services (Conduct) Rules, 1964.

7. The receipt of thisorder may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

NEERABH KUMAR PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri M.Srinivas, the then Assistant Geologist & Assistant Director of Mines & Geology (FAC), Rajamahendravaram through the Director of Mines & Geology, A.P., Ibrahimpatnam, Krishna District.

Copy to:

The Director of Mines & Geology, A.P., Ibrahimpatnam, Krishna District. (He is requested to serve the order on the individual, obtain his dated acknowledgment on the duplicate copy and resubmit the same to Government for record)
SF/SC (Computer No.1455666).

//FORWARDED :: BY ORDER //

SECTION OFFICER

ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST SRI M. SRINIVAS, THE THEN ASSISTANT GEOLOGIST & ASSISTANT DIRECTOR OF MINES & GEOLOGY (FAC), RAJAMAHENDRAVARAM

That, Sri M. Srinivas, while working as Assistant Geologist & Assistant Director of Mines & Geology (FAC), Rajamahendravaram, the following irregularities have taken place in respect of Mining Lease held by Smt. Kude Lakshmi for Laterite in Vanthada village, Prathipadu Mandal, East Godavari District in Sy.No.7/1, 7/2, 10/p, 12/p, 16 & 17/p over an extent of 10.417 Hectares.

Charge-I:

During inspection of Mining Lease on 19.02.2015 while mining operations of Kude Lakshmi which started on 18.11.2014 were in progress he failed to notice that

a) The approach road i.e., Vanthada to E Gokavaram runs road through Reserve Forest.
b) The Vanthada Kondathimmapuram road was unofficially formed in Lingamparthy Reserve Forest for transportation Laterite.

Charge-II:

Failed to recommend action against the mining lease action holders or intimate to the authorities of APPCB/SEIAA even after noticing during his inspection on 19.02.2015 that machinery was being used for mining operations violating EC & CFE conditions that the mining shall be manual.

Charge-III:

While recommending for Modified mining plan submitted by Smt. Kude Lakshmi, Mining lease holder on 19.10.2015, he had allowed the misleading information by the mining lease holder viz.,

a) Regarding permissions for plying of transport vehicles "Due permission is 'applied to the Forest Department for the approach to the ML area by crossing of Reserve Forest and Plying of transport vehicles. Permission is awaited".
b) Regarding implementation of mining plan, "Mining has been initiated and about 6,000 Tons of laterite was excavated. No mineral was dispatched from the mine".

Charge-IV:

Recommended for issuing transportation permits for a quantity of 1480 MTs of Laterite on 23.02.2015 to the lease holder without ascertaining the route through which the transportation of Laterite should be done as per Mining Plan facilitating the Mining Lease holder to transport the Laterite through another illegal route running through Lingamparthy Reserve Forest.

Charge-V:

Continued to recommend for mining permits for Kude Lakshmi mining lease holder though he is having knowledge about GPA holder as he allowed monthly returns during Sep/Oct 2015 signed and submitted by Sri P. Seshagiri Rao as a GPA holder of Smt Kude Lakshmi, which is contrary to covenants 17 & 18 of the lease deed and the instructions of DDM&G Hyderabad Memo., dated.06.05.2000 by favouring mining lease holder.

P.T.O.

CHARGE – VI:

As ADM&G (FAC), Rajamahendravaram:

Failed to file the counter affidavit before the Hon'ble High Court of A.P., for the affidavit filed by Sri P. Seshagiri Rao, GPA of Smt.Kude Lakshmi.

Thus, Sri M. Srinivas, the then Assistant Geologist & Assistant Director of Mines & Geology (FAC), Rajamahendravaram by the above mentioned acts has exhibited lack of integrity, devotion of duty and conduct unbecoming of a government servant and thereby violated Rule 3(1)(2) of A.P. Civil Services (Conduct), Rules, 1964.

NEERABH KUMAR PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED :: BY ORDER //

SECTION OFFICER

ANNEXURE-II

STATEMENT OF IMPUTATIONS AND MISCONDUCT OR MISBEHAVIOR IN SUPPORT OF ARTICLES OF CHARGE FRAMED AGAINST SRI M. SRINIVAS, THE THEN ASSISTANT GEOLOGIST & ASSISTANT DIRECTOR OF MINES & GEOLOGY (FAC), RAJAMAHENDRAVARAM

Sri M. Srinivas, the then Assistant Geologist & Assistant Director of Mines & Geology (FAC), Rajamahendravaram and the following irregularities have been taken place during his tenure in respect of Mining Lease held by Smt. Kude Lakshmi for Laterite in Vanthada village, Prathipadu Mandal, East Godavari District in Sy.No.7/1, 7/2, 10/p, 12/p, 16 & 17/p over an extent of 10.417 Hectares.

1) (a) He inspected the Mining lease area on 19.02.2015 during execution of mining operations of Kude Lakshmi which started on 18.11.2014. As on the date of inspection, the Vanthada -' Kondathimmapuram road was formed in the Lingamparthy Reserve Forest unofficially, which was not noticed by him.

(b) Having inspected the site on 19.02.2015, he recommended for permits for a quantity of 1480 MTs of laterite on 23.02.2015 to the lease holder. But he did not ascertain the route through which the transportation of laterite should be done as per Mining plan. The mining lease holder transported the laterite illegally through another illegal route running through Lingamparthy Reserve Forest.

2) As per the EC dated.19.08.2009 given by the SEIAA and the CFE given by the APPCB on 05.05.2014, the mining operations shall be manual. But during his inspection on 19.02.2015, he observed that one proclain was being used forming operations which is a violation of the EC &CFE conditions. But he had neither intimated to APPCB/SEIAA nor initiated any action against the violation.

3) While submitting the Modified mining plan the mining lease holder Smt. Kude Lakshmi submitted misleading information as:

Regarding permissions for plying of transport vehicles, it was submitted that "due permission is applied to the Forest Department for the approach to the ML area by crossing of Reserve Forest and Plying of transport vehicles. Permission is awaited". Further it was informed that "Mining has been initiated and about 6,000 tons of laterite was excavated and no mineral was dispatched from the mine".

But as per the statement of production and dispatch pertaining to Smt. Kude Lakshmi mining lease a quantity of 21860 MT was produced and 1480 MT was transported by the time of submission of modified mining plan in the month of October 2015. Subsequently 11656 MT was produced and 24994 MT was transported until the EC for expansion was approved on 18.03.2016. As per the statement given by Sri P. Seshagiri Rao, the transportation was done through the road from Vanthada to Kondathimmapuram in Lingamparthy RF in the month of March 2015.

It is clearly evident that the mining lease holder Smt Kude Lakshmi had submitted misleading information in modified mining plan for the approval and in turn for obtaining EC from SEIAA.

P.T.O.

4) Having inspected the Mining lease area on 19.02.2015, he recommended for permits for a quantity of 1480 MTS of laterite on 23.02.2015 to the lease holder. But he did not ascertain the route through which the transportation of laterite should be done as per Mining plan. The mining lease holders transported the laterite illegally through another illegal route running through Lingamparthy Reserve Forest.

5) Working as Assistant Geologist, the monthly returns dated.13.11.2015 in Format F3 alongwith failed stationery permits signed and submitted by Sri P. Seshagiri Rao GPA submitted for the months of September and October 2015 on behalf of Smt Kude Lakshmi were in the knowledge of the Assistant Geologist. The subsequent further correspondence done by Sri P.Seshagiri Rao was also in the knowledge of the Assistant Geologist. Knowing that the GPA is not permitted as per Mineral Concession Rules, 1960 & covenant 17 & 18 of the lease deed conditions, he would have recommended for cancellation of the Mining lease for violation of the Mineral Concession Rules. But he kept quiet and continued recommending mining permits for Kude Lakshmi mining lease holder which indicates that he is in collusion with Mining lease holder.

6) The affidavit was filed by Smt. Kude Lakshmi mining lease holder represented by Sri P. Seshagiri Rao GPA of Kude Lakshmi Mining Lease and the affidavit was also signed by Sri P. Seshagiri Rao. Had the counter affidavit was filed by him after obtaining the affidavit as informed by the Government Pleader for Industries & Commerce, the case would have been suspended without any favourable orders to the Mining lease holder as:

a) The GPA was not in the knowledge of the Assistant Director of Mines & Geology by the time of filing affidavit dt.05-08-2015.

b) As per the MC Rules 1960 and covenant 17 & 18, and the instructions of the Director, Mines & Geology, dt.06.05-2000, GPA is not permitted by the mining lease holders. As such, filing of the affidavit by the GPA is not valid.

But, even after the lapse of 18 months he could not file the counter affidavit favouring the Mining lease holder for transporting laterite mineral through the illegal road formed through Lingamparthy Reserve Forest. In his deposition dt.31.01.2017 he informed that he would file the counter affidavit within 20 days. But even after lapse of 40 days he could not file the counter affidavit for the reasons known to him only.

Thus, the Government Servant by the above mentioned acts has exhibited lack of integrity, devotion of duty and conduct unbecoming of a government servant and thereby violated Rule 3(1)(2) of A.P. Civil Services (Conduct) Rules, 1964.

NEERABH KUMAR PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED :: BY ORDER //

SECTION OFFICER

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ANNEXURE-III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGES FRAMED AGAINST SRI M. SRINIVAS, THE THEN ASSISTANT GEOLOGIST & ASSISTANT DIRECTOR OF MINES & GEOLOGY (FAC), RAJAMAHENDRAVARAM ARE PROPOSED TO BE SUSTAINED.

1) Vigilance Report No.55 (C.No.1678/V&E/NRI/2016), dated 21.12.2018.
2) G.O.Ms.147, Industries & Commerce Department, dated 23.11.2013.
3) Letter dated 06.08.2015 from the Government Pleader of Industries & Commerce Department on 10.08.2015.
4) M.C. Rules, 1960.
5) Covenant 17 & 18 of Lease Deed of Mining Lease held by Smt. Kude Lakshmi.
6) Office Order No.2954/E/1995, dated.20-10-2016 of Assistant Director of Mines and Geology, (FAC), Rajamahendravaram.
7) Mining Plan pertaining to Mining Lease held by Smt. Kude Lakshmi.

NEERABH KUMAR PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED :: BY ORDER //

SECTION OFFICER

ANNEXURE-IV

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGE FRAMED AGAINST SRI M. SRINIVAS, THE THEN ASSISTANT GEOLOGIST & ASSISTANT DIRECTOR OF MINES & GEOLOGY (FAC), RAJAMAHENDRAVARAM ARE PROPOSED TO BE SUSTAINED.

1) Sri Lingaraj Banakar, Complainant, Pragathi Samaj, Dalakasoti Village.
2) Officials of the Vigilance and Enforcement Department.

NEERABH KUMAR PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED :: BY ORDER //

SECTION OFFICER